

**SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION
DISCIPLINARY POLICY**

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. Policy

The South Carolina Department of Administration (Department or Agency) recognizes its continued responsibility to develop and administer appropriate disciplinary procedures in the mutual interests of the Department and the employees of this Agency. Disciplinary efforts should seek to prevent serious problems from occurring or recurring. This disciplinary policy does not apply to non-covered employees (e.g. probationary employees, temporary employees, temporary grant employees, time-limited employees, research grant employees and employees exempt from the State Employee Grievance Procedure Act) who may be disciplined at the Agency's discretion.

Inappropriate behavior, whether at work or off-duty, reflects badly on the Department of Administration. All Department employees are expected to conduct themselves in a professional manner, perform their assigned duties competently, extend courtesy and respect to supervisors, co-workers and customers and adhere to all policies. Employees tasked with supervising others should set an example by their conduct, attitude, and work habits. Employee discipline may be handled through one or more of the following actions, but not necessarily in this order:

1. Written Reprimand
2. Reassignment
3. Demotion
4. Suspension
5. Termination

Office of Administrative Services-Human Resources may consult with management as necessary in administering disciplinary action.

The Agency's Human Resources Director or designee must be consulted in advance on all disciplinary actions regardless of the employee's status. When misconduct does not result in immediate termination, an employee should be given notice that continued improper conduct could result in dismissal. The original of all disciplinary actions must

be transmitted to Office of Administrative Services-Human Resources for inclusion in the employee's official personnel file.

While an employee should sign disciplinary notices, their signature means only that they have received a copy and not that they agree with the contents or the action taken. If the employee refuses to sign the disciplinary notice another supervisory employee should witness the refusal to sign the document.

All covered employees may have the right to grieve certain disciplinary actions in accordance with the Department of Administration Grievance Policy and Procedures. All employees have access to a copy of the Disciplinary Policy through the intranet or by contacting Office of Administrative Services-Human Resources.

II. Informal Counseling

Although not considered a formal step in the progressive disciplinary process, informal counseling should be used in cases of the first occurrence of minor disciplinary offenses. In these cases, supervisors should hold a discussion with the employee to communicate the expected proper conduct. The supervisor should inform the employee that unless the problem is corrected the employee may be subject to stronger disciplinary action up to and including termination. Written documentation of the informal counseling should be maintained in supervisory files, to be used to support future discipline if needed. Informal Counseling documents are not included in the official personnel file; however, they can be referenced in future actions. Informal counseling may not be appropriate in all instances, depending on the severity of the first offense.

III Forms of Disciplinary Action

1. Written Reprimand

A written record of an admonishment may be administered for individual offenses or for cumulative lesser violations. The nature of the offense and the dates of any informal counseling sessions (if given) should be referenced in written reprimands. The employee should be told in the written reprimand that repetition of the offense or a more serious offense will warrant further disciplinary action up to and including termination. The employee should sign the written reprimand as having been received and a copy should be provided for the employee's own records. Written reprimands will become part of the employee's official personnel file and may be removed upon the approval of the Executive Director after the expiration of two (2) years if (1) no other corrective action has been administered during the two-year period and (2) the employee submits a written request to the Office of Administrative Services-Human Resources.

2. Suspensions During Investigation

In cases that have multiple issues or considerations or where the facts are not clearly evident, an investigatory suspension may be invoked by placing the employee on a leave of absence without pay pending investigation and a decision as to the extent of disciplinary action. The leave of absence without pay during a suspension pending investigation may be used towards part of the disciplinary suspension period if the investigation finally determines that disciplinary suspension is appropriate.

3. Suspension

A suspension may be administered for the first offense of a serious nature or for cumulative lesser violations. The period of suspension will vary depending on the seriousness of the offense and if previous disciplinary actions have been issued. In cases where the suspension is based on cumulative lesser violations, details of the previous disciplinary actions that led up to the suspension, including counseling sessions, shall be cited in the notice of suspension. The employee should be made aware of the reasons for the suspension and the consequences of future violations or problems. The employee should sign the notice of suspension as having been received and a copy of the suspension notice should be given to the employee. All suspensions are without pay. (Accrued annual or sick leave may not be used for a suspension). During the suspension period, the employee will not be allowed in the workplace. A record of the suspension will become part of the employee's official personnel file and will be permanent.

4. Termination

If other discipline fails to eliminate rules violations or if an employee commits a serious disciplinary infraction, the employee is subject to termination. Serious misconduct may require immediate termination without prior warning.

All pertinent facts should be considered in the evaluation of events leading up to termination. If it is determined that termination is proper and justified, a letter of dismissal should be prepared for the Executive Director or designee's signature. This letter should contain a summary of events leading up to the termination, including prior disciplinary action and/or aggravating circumstances.

5. Reassignments and Demotions

Reassignments and demotions may also be used in conjunction with the above sanctions or separately as a form of disciplinary action.

IV. Procedures for all Disciplinary Actions

1. The supervisor and/or manager should present all facts surrounding the incident to the Division/Office Director or designee.
2. The supervisor and/or manager should discuss the matter with the Agency's Human Resources Director or designee. Office of Administrative Services-Human Resources may conduct an investigation and coordinate the involvement of the Office of General Counsel as needed.
3. The Agency's Human Resources Director or designee will discuss any disciplinary actions with the Executive Director or designee. The Division Director or designee should sign written warnings, notices of suspension, and demotions. The Executive Director or designee will sign all termination letters.
4. The above steps should occur prior to the action becoming effective unless the Executive Director or designee determines that circumstances dictate the immediate suspension of an employee pending the outcome of an investigation.
5. The Agency's Human Resources Director or designee will approve the wording of written reprimands, suspensions, terminations or other disciplinary related documents.

V. Conduct Which May Result in Disciplinary Action

It is not possible to list all acts or omissions which might result in disciplinary action. The following list includes some of the actions that are unacceptable and can result in disciplinary action up to and including termination. The list is by no means complete.

The agency will determine what degree of disciplinary action is appropriate. Normally, the agency will take into account various factors such as the seriousness of the offense, the employee's prior disciplinary record, the employee's prior work record. The factors to be considered and the weight to be given them rest in the sole discretion of the Agency.

The following disciplinary actions are to be used only as guidelines and are not intended to be all-inclusive.

| Offense | Range of Disciplinary Actions |
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| Unauthorized Leave | Written Reprimand to Termination |

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| Habitual Tardiness or Failure to Observe Assigned Work Hours | Written Reprimand to Termination |
| Abuse or Misuse of Leave <i>(Refer to the Family and Medical Leave Act and Americans with Disabilities Act for guidance)</i> | Written Reprimand to Termination |
| Excessive Absenteeism | Written Reprimand to Termination (To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by other progressive discipline in an attempt to inform the employee of the problem. <i>Refer to Family and Medical Leave Act and Americans with Disabilities Act for guidance</i>) |
| Leaving Work Station Without Authorization | Written Reprimand to Termination |
| Reporting to Work Under the Influence of Alcohol | Suspension to Termination <i>(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)</i> |
| Drinking Alcoholic Beverages on the Job | Termination <i>(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)</i> |
| Reporting to Work Under the Influence of Drugs | Suspension to Termination |
| Possessing or Using Illegal Drugs on the Job | Termination |
| Insubordination | Written Reprimand to Termination |
| Falsification of Records or Documents | Suspension to Termination |
| Stealing/Theft | Termination |

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| Negligence | Written Reprimand to Termination |
| Willful Violation of Written Rules, Regulations or Policies | Suspension to Termination |
| Unauthorized Use of State Equipment or Property | Written Reprimand to Termination |
| Destruction or Misuse of Property or Equipment | Suspension to Termination |
| Unauthorized Solicitation or Sales on State Premises | Written Reprimand to Termination |
| Unauthorized Possession of Firearms on the Job | Termination |
| Unauthorized Distribution of Written or Printed Material of Any Kind | Written Reprimand to Termination |
| Sleeping, or Appearing to Sleep While on Duty | Written Reprimand to Termination |
| Gambling While on Duty | Written Reprimand to Termination |
| Offensive Use of Profane/Abusive Language to Others | Written Reprimand to Termination |
| Loafing | Written Reprimand to Termination |
| Interference With Other Employee's Work | Written Reprimand to Termination |
| Working on Personal Jobs During Work Hours | Written Reprimand to Termination |
| Excessive Use of Telephone or E-mail for Personal Matters | Written Reprimand to Termination |
| Defacing State Property | Written Reprimand to Termination |
| Harassment (Refer to Anti-Harassment Policy) | Written Reprimand to Termination |
| Conviction of a felony which adversely reflects on an individual's suitability for continued employment | Termination |
| Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment | Termination |
| Improper conduct toward or discourteous treatment of visitors and/or customers | Written Reprimand to Termination |

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| Failure to maintain satisfactory or harmonious working relationships with employees or supervisor | Written Reprimand to Termination |
| Improper Conduct or Conduct Unbecoming a State Employee | Written Reprimand to Termination |
| Willful False Statements to a Supervisor | Suspension to Termination |
| Misrepresentation of Facts | Written Reprimand to Termination |
| Workplace Violence <i>(Refer to Workplace Violence Policy)</i> | Termination |
| Releasing Confidential Information | Written Reprimand to Termination |
| Engaging in Incompatible Employment or Serving In a Conflicting Interest | Written Reprimand to Termination |
| Any accumulation of 3 Written Warnings or higher within a period of 1 year | Suspension to Termination |

The state and federal laws referenced above are not all-inclusive in administering discipline.

VI. Substandard Work Performance

When an employee's work performance falls below performance requirements, a Warning Notice of Substandard Performance may be necessary. In cases of substandard work performance, the Employee Performance Management System (EPMS) Policy must be followed.

VII. Abandonment of Position

An employee who voluntarily fails to report to work for three consecutive workdays and fails to contact the appropriate supervisory authority during this time will be considered to have voluntarily resigned from the Department of Administration. The resignation is automatically accepted. A voluntary resignation is not a grievable or appealable issue under the State Employee Grievance Procedure Act.

VIII. Employee Comments

The employee may attach additional comments to any disciplinary action, if desired, within two weeks from the date of the disciplinary action.